

FEDERAL REGISTER

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Regulations

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 22—REGULATIONS GOVERNING APPEALS OF PREFERENCE ELIGIBLES UNDER THE VETERANS' PREFERENCE ACT OF 1944

MISCELLANEOUS AMENDMENTS

1. Section 22.1 is revised and amended to read as follows:

§ 22.1 *Applicability of regulations—*
(a) *Coverage.* The regulations in this part shall govern appeals to the Commission by permanent and indefinite preference eligible employees from adverse decisions of administrative officers of the Federal Government and the government of the District of Columbia, more specifically defined hereinafter.

(1) *Employees covered.* Employees affected are permanent and indefinite preference eligible employees who have completed a probationary or trial period in positions under the Civil Service Rules or War Service Regulations, or one year of current continuous employment in unclassified or excepted positions, in the service of any establishment, agency, bureau, administration, project or department created by acts of Congress or Presidential order or in the service of the District of Columbia. The regulations in this part are not applicable to employees under the legislative or judicial branch of the Government, and employees who were appointed to any positions required to be confirmed by, or made with, the advice and consent of the United States Senate, other than postmasters in offices of the first, second and third classes.

(2) *Preference eligible employees.* The term "preference eligible employees" referred to in this section includes the following persons:

(i) Those ex-service men and women who have served on active duty in any branch of the armed forces of the United States and have been separated therefrom under honorable conditions and who have established the present existence of a service-connected disability or

who are receiving compensation, disability retirement benefits, or pension by reason of public laws administered by the Veterans' Administration, the War Department or the Navy Department;

(ii) The wives of such service-connected disabled ex-servicemen as have themselves been unable to qualify for any civil service appointment;

(iii) The unmarried widows of deceased ex-servicemen who served on active duty in any branch of the armed forces of the United States during any war, or in any campaign or expedition (for which a campaign badge has been authorized), and who were separated therefrom under honorable conditions;

(iv) Those ex-servicemen and women who have served on active duty in any branch of the armed forces of the United States, during any war, or in any campaign or expedition (for which a campaign badge has been authorized), and have been separated therefrom under honorable conditions.

Separation under "honorable conditions" means separation from active duty in any branch of the armed forces by transfer to inactive status, transfer to retired status, acceptance of a resignation or the issuance of a discharge, if such separation was under honorable conditions.

(3) *Adverse decisions which may be appealed.* Appeals may be made from the decisions of administrative officers in cases of discharges, suspensions for more than thirty (30) days, furloughs without pay and reduction in rank or compensation for reasons other than reduction in force which are covered by reduction in force regulations.

(b) *Appeals involving efficiency ratings.* The regulations in this part are applicable in cases of adverse decisions based on efficiency ratings, but the Commission will not consider the correctness of any efficiency rating which is appealable to a Board of Review established under the provisions of section 9 of the Classification Act of 1923, as amended. The correctness of an efficiency rating which is not appealable to a Board of Review will not be considered unless the

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employee has made use of his agency's administrative appellate procedures, if provided by the agency, in any case where adverse action is proposed to be taken too soon to permit diligent use of administrative appellate procedures, it is impracticable to await the decision under the administrative appellate procedures, the employee was misinformed of his rights under such procedures, coercive measures were used to prevent recourse to such procedures, or the employee presents satisfactory reasons for not resorting to such procedures.

(c) *Appeals not governed by the regulations in this part.* The regulations in this part are not applicable to decisions of the Commission relative to applica-

tions, examinations, promotions, transfers, reinstatements, reappointments, classifications and other civil service proceedings, nor to actions of administrative officers which are taken under instructions from the Commission in cases in which the Commission has jurisdiction. Appeals in such cases will continue to be entertained by the Commission in accordance with its established administrative procedures.

(d) *Notice in reduction in rank or compensation resulting from Commission's position allocation decisions.* Preference eligible employees who are to be reduced in grade or rank as a result of the Commission's position allocation decisions shall be given at least thirty (30) days' advance written notice, stating any and all reasons, specifically and in detail, for such proposed action.

2. Section 22.2 (d) is amended to read as follows:

§ 22.2 *Notification of proposed actions; charges and opportunity for answer.* * * *

(d) *Notice and answer in efficiency rating cases.* In cases where it is proposed to take adverse action against an employee on the basis of an efficiency rating, the employee shall be given the advance notice in writing of the proposed action at least thirty (30) days before the effective date, and said notice shall allow the employee a reasonable time for answer and to object to the proposed action and show cause why it should not be taken. This right of advance notification does not affect the right of the employee to appeal for a review of his efficiency rating to a Board of Review established under the provisions of section 9 of the Classification Act of 1923, as amended.

3. Section 22.4 (c) *Appeals based solely on efficiency ratings* is revoked.

(58 Stat. 390; 5 U. S. C. Sup. 860)

The United States Civil Service Commission.

[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 46-21735; Filed, Dec. 19, 1946; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. 361-B]

PART 40—AIR CARRIER OPERATING CERTIFICATION

PART 60—AIR TRAFFIC RULES

PART 61—SCHEDULED AIR CARRIERS RULES

LONG DISTANCE DOMESTIC SCHEDULED AIR CARRIER OPERATIONS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 13th day of December 1946.

The purpose of this special regulation is to continue for an additional six-month period Special Civil Air Regulation Serial Number 361-A (11 F. R. 7033), which became effective June 15 and terminates December 15, 1946.

This regulation provides special operating rules for flights of scheduled air

carriers while cruising at altitudes in excess of 12,500 feet east of longitude 100° west and at altitudes in excess of 14,500 feet west of longitude 100° west on long distance operations. The special operating rules prescribe different procedures for traffic clearance, right-side traffic, and dispatcher and pilot route qualification requirements than are presently prescribed by Parts 40, 60, and 61 of the Civil Air Regulations.

It appearing that: Parts 40, 60, and 61 impose undue operating restrictions on long-range domestic scheduled air carrier operations at the specified altitudes; the Board has under consideration proposed revisions to these parts which will adequately provide for such operations but which have not been completed at this time; the public interest requires the continuation of such long distance operations; the public notice required by the Administrative Act is impracticable because Special Civil Air Regulations 361-A terminates on December 15, 1946; good cause exists to promulgate this amendment extending this Special Civil Air Regulation for an additional period of six months, effective immediately.

Now, therefore: Effective December 15, 1946, Special Civil Air Regulation Serial Number 361-A is amended by striking the words "December 15, 1946" and inserting in lieu thereof the words "June 15, 1947."

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 46-21733; Filed, Dec. 19, 1946; 8:52 a. m.]

[Civil Air Regs., Amdt. 43-7]

PART 43—GENERAL OPERATION RULES

PERSONAL POSSESSION OF PILOT CERTIFICATE

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 13th day of December 1946.

It appearing that: The Civil Air Regulations do not specifically require a pilot to have his pilot certificate in his personal possession while piloting aircraft; the pilot is not required to produce his certificate for purposes of determining his pilot status; these requirements would facilitate enforcement of Civil Air Regulations without imposing any undue burden on pilots; and the Board finds that the notice and procedures provided for in section 4 of the Administrative Procedure Act are unnecessary;

Now, therefore: Effective February 15, 1947, § 43.400 of the Civil Air Regulations is amended to read as follows:

§ 43.400 *Pilot certificates.* No person shall pilot a civil aircraft within the United States unless he holds a valid pilot certificate with appropriate ratings issued by the Administrator or an appropriate and valid foreign pilot certificate. Such certificate shall be in the personal possession of the pilot at all times while piloting aircraft and shall be presented for examination to any inspector of the Administration or State or local law enforcement officer upon the re-

quest of such inspector or enforcement officer.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 46-21734; Filed, Dec. 19, 1946; 8:49 a. m.]

TITLE 24—HOUSING CREDIT

Chapter I—Federal Home Loan Bank Administration

PART 3—MEMBERS OF BANKS

CROSS REFERENCE: For notice of proposed rule making under this part, see F. R. Doc. 46-21768, National Housing Agency, Federal Home Loan Bank Administration, in Notices section, *infra*.

Chapter II—Federal Savings and Loan System

[Bulletin 81]

PART 209—INTERPRETATIVE OPINIONS¹

MISCELLANEOUS AMENDMENTS

DECEMBER 17, 1946.

Section 209.62 *Service of loans not held or originated by the association* is hereby rescinded, and § 209.20 is hereby amended by striking from the section headnote thereof the following phrase "service of loans not held or originated by the association" and from the body thereof the following phrase "service of loans not held or originated by the association (see Opinion No. B62)";

The Federal Home Loan Bank Administration finds, pursuant to § 201.2 (b), that notice and public procedure on these amendments are not necessary because they constitute interpretative rules.

(Sec. 5 (a), 48 Stat. 132, Pub Law 404, 79th Cong. 60 Stat. 237; 12 U. S. C. 1464 (a); E. O. 9070, Feb. 24, 1942, 7 F. R. 1529)

[SEAL] HAROLD LEE,
Governor.
KENNETH G. HEISLER,
General Counsel.
ORMOND E. LOOMIS,
Assistant to the Commissioner.

[F. R. Doc. 46-21769; Filed, Dec. 19, 1946; 8:47 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter VI—Solid Fuels Administration for War

PART 602—GENERAL ORDERS AND DIRECTIVES

STATEMENT CONCERNING SHIPMENTS TO RETAIL DEALERS, ORDERS PLACED BY CONSUMERS, AND REPORTS BY SHIPPERS ON FORM SFA 79

The provisions of Revised Regulation No. 32, as amended, except as they may

¹ 11 F. R. 9480.

be inconsistent with the provisions of Interim Direction No. 10, as amended, are in full force and effect. Accordingly, the following requirements must be observed:

1. Producers must make shipments to retail dealers in accordance with their obligations under Revised Regulation No. 32, as amended. They should, however, afford preference in shipments to those dealers most deficient in shipments since April 1, 1946.

2. Consumers must place their orders with their suppliers on or before the 24th day of December for January shipment, and on the 24th day of each succeeding month thereafter for the following months' shipments, as required by Revised Regulation No. 32, as amended, showing the number of days' supply of coal that they will have on hand, as of the first day of the month for which shipments are ordered, by groupings, as provided in Revised Regulation No. 32, as amended. The order should be for the tonnage which the consumer is permitted to receive under Revised Regulation No. 32, but the producer shall continue to spread out his shipments in accordance with Interim Direction No. 10, as amended.

3. Shippers must file the reports required by Revised Regulation No. 32, as amended, on Form SFA No. 79 or 79 (a), as the case may be, on or before the last day of December 1946, and on or before the last day of each succeeding month thereafter.

(Sec. 2 (a), 54 Stat. 676, 55 Stat. 236, 56 Stat. 176, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, P. L. 475, 79th Cong.; 41 U. S. C. prec. 1, 50 U. S. C. App. Sup. 1152 (a), 1162, 633, 645; E. O. 9125, Apr. 7, 1942, 7 F. R. 2719; E. O. 9332, Apr. 19, 1943, 8 F. R. 5355)

Dated this 16th day of December 1946.

DAN H. WHEELER,
Deputy Solid Fuels
Administrator for War.

[F. R. Doc. 46-21755; Filed, Dec. 19, 1946;
8:51 a. m.]

Chapter VIII—Coal Mines Administration

[Order No. CMAN-15A]

APPENDIX TO PART 801—REGULATIONS FOR THE OPERATION OF COAL MINES UNDER GOVERNMENT CONTROL

DIRECTION TO KEEP MINES OPEN

Correction

In Federal Register Document 46-20685, appearing on page 13631 of the issue for Wednesday, November 20, 1946, the second paragraph should read as follows:

Accordingly, the Operating Manager for the United States for the Carter Coal Company is directed forthwith to post a conspicuous notice, a copy of which is enclosed, at each mine in Government possession stating that said mine will be open for operation on each normal work day on and after November 20, 1946, and that employment will be made available to all employees during usual operating hours.

TITLE 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary of the Treasury

PART 1—OFFICE OF THE SECRETARY, AND BUREAUS, DIVISIONS, AND OFFICES PERFORMING CHIEFLY STAFF AND SERVICE FUNCTIONS

ORGANIZATION; DELEGATIONS OF AUTHORITY

Correction

In Federal Register document 46-21557, appearing on page 14311 of the issue for Saturday, December 14, 1946, the reference in the introductory paragraph to "Assistant Secretary of the Treasurer" should read "Assistant Secretary of the Treasury".

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Office of International Trade, Department of Commerce

Subchapter B—Export Control

[Amtd. 279]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

In the list of commodities set forth in paragraph (b) the description of the commodities classified under Schedule B No. 872400 "Pastes, powders, soaps and household washing powders (fat content above 10% but not above 25%)" is amended to read as follows:

Dept. of Comm. Sched. B No.	Commodity
872400	Non-abrasive types of pastes, powders and household washing powders (fat content not over 25%) (report household washing powders, fat content over 25% in 871600)

(Sec. 6, 54 Stat. 714; 55 Stat. 206; 56 Stat. 463; 58 Stat. 671; 59 Stat. 270; 60 Stat. 215; 50 U. S. C. App. Sup. 701, 702; E. O. 9630, September 27, 1945, 10 F. R. 12245)

Dated: DECEMBER 9, 1946.

FRANCIS MCINTYRE,
Deputy Director for Export Control,
Commodities Branch.

[F. R. Doc. 46-21757; Filed, Dec. 19, 1946;
8:50 a. m.]

[Amtd. 280]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended by adding thereto the following commodity:

Dept. of Commerce Sched. B No.	Commodity	Unit	GLV dollar value limits country group	
			K	E
707410	Electrical machinery and apparatus: Induction furnaces vacuum metal-melting, only.....		None	None

Shipments of the above commodity added to the list of commodities which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to the effective date of this amendment may be exported under the previous general license provisions.

This amendment shall become effective December 26, 1946.

(Sec. 6, 54 Stat. 714; 55 Stat. 206; 56 Stat. 463; 58 Stat. 671; 59 Stat. 270; 60 Stat. 215; 50 U. S. C. App. Sup. 701, 702; E. O. 9630 dated September 27, 1945, 10 F. R. 12245)

Dated: December 13, 1946.

FRANCIS MCINTYRE,
Deputy Director for Export Control,
Commodities Branch.

[F. R. Doc. 46-21756; Filed, Dec. 19, 1946;
8:50 a. m.]

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, and Public Laws 270 and 475, 79th Congress; Public Law 388, 79th Congress; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1038]

HERBERT E. ROSE

Herbert E. Rose, 915 South Ardmore Street, Los Angeles, California, was specifically authorized by the Civilian Production Administration on May 17, 1946, to construct a one-story building on the northwest corner of Eight and Ardmore Streets, Los Angeles, California, at an estimated cost of \$23,000 including fixtures and building service (mechanical equipment) to be used as an individual restaurant building. Herbert E. Rose, pursuant to said authorization, began and carried on to approximately 90% completion said building at a cost of approximately \$34,000, including cost of fixtures and building service (mechanical equipment) for proposed use as a restaurant and bar business. The carrying on of this construction constituted a violation of VHP Order 1 and has diverted scarce materials to uses not au-

thorized by the Civilian Production Administration. Said violation was due to gross negligence. In view of the foregoing, it is hereby ordered that:

§ 1010.1038 *Suspension Order No. S-1038.* (a) Neither Herbert E. Rose, his successors or assigns, nor any other person, shall do any construction work on the premises located on the northwest corner of Eighth and Ardmore Streets, City of Los Angeles, County of Los Angeles, State of California, including putting up, altering or completing the structure and installation of fixtures and equipment therein, unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) Herbert E. Rose shall refer to this order in any application or appeal which he may file with the Civilian Production Administration relating to the above mentioned premises.

(c) Nothing in this order shall be deemed to relieve Herbert E. Rose, his successors or assigns from any restrictions, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 18th day of December 1946.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-21817; Filed, Dec. 18, 1946;
4:26 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1048]

BROWN P. THAWLEY

Brown P. Thawley, of Milford, Delaware, subsequent to September 9, 1946, began the construction of a one-story addition to his service garage at the northeast corner of Rehoboth Boulevard and Front Street, Milford, Delaware, at an estimated cost in excess of \$1,000 without authorization of the Civilian Production Administration. The beginning and carrying on of this construction, at an estimated cost in excess of \$1,000, subsequent to receipt and acknowledgment of Order VHP-1 constituted, at least, a grossly negligent violation of Veterans' Housing Program Order No. 1. This violation has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1048 *Suspension Order No. S-1048.* (a) Neither Brown P. Thawley, his successors or assigns, nor any other person shall do any construction on the premises located at the northeast corner of Rehoboth Boulevard and Front Street, Milford, Delaware, including completing, putting up, or altering of any structure located thereon, unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) Brown P. Thawley shall refer to this order in any application or appeal which he may file with the Civilian Production Administration for priority as-

sistance, or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Brown P. Thawley, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 18th day of December 1946.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-21819; Filed, Dec. 18, 1946;
4:26 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1052]

FRANK E. CLEGG & PAUL C. PETERS, JR.

Frank E. Clegg, Hillcrest Hotel, Toledo, Ohio, and Paul C. Peters, Jr., 1340 W. Woodruff Avenue, Toledo, Ohio, on or about May 15, 1946, without authorization of the Civilian Production Administration, began and thereafter carried on construction of a structure to be used for the manufacture of fresh and frozen baked goods, a bakery office and residential accommodations, at McCord Road between Bancroft Street and Central Avenue, Toledo, Ohio, the estimated cost of which was in excess of \$15,000. The beginning and carrying on or participating in this construction, at an estimated cost in excess of \$15,000, constituted violation of Veterans' Housing Program Order No. 1. These violations have diverted scarce materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1052 *Suspension Order No. S-1052.* (a) Neither Frank E. Clegg nor Paul C. Peters, Jr., their successors or assigns, nor any other person, shall do any further construction on the structure at McCord Road between Bancroft Street and Central Avenue, Toledo, Ohio, including putting up, completing or altering the structure, unless hereafter authorized in writing by the Civilian Production Administration.

(b) Frank E. Clegg and Paul C. Peters, Jr., shall refer to this order in any application or appeal which they may file with the Civilian Production Administration or the Federal Housing Administration for priorities assistance.

(c) Nothing contained in this order shall be deemed to relieve Frank E. Clegg and Paul C. Peters, Jr., their successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 18th day of December 1946.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-21818; Filed, Dec. 18, 1946;
4:26 p. m.]

Chapter XI—Office of Temporary Controls, Office of Price Administration

PART 1388—DEFENSE-RENTAL AREAS

[Housing, Atlantic County Area,¹ Corr. to Amdt. 24 (§1388.1411)]

HOUSING IN ATLANTIC COUNTY

Amendment 24 to the Rent Regulation for Housing in the Atlantic County Defense-Rental Area is corrected by changing the date in section 1 (b) (6) from "October 1, 1944" to "October 1, 1945".

This correction shall become effective as of December 6, 1946.

Issued this 19th day of December 1946.

PHILIP B. FLEMING,
Temporary Controls Administrator,

[F. R. Doc. 46-21830; Filed, Dec. 19, 1946;
11:31 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts, New York City Area,² Corr. to Amdt. 30 (§1388.1181)]

TRANSIENT HOTELS, RESIDENTIAL HOTELS, ROOMING HOUSES AND MOTOR COURTS IN NEW YORK CITY AREA

Amendment 30 to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts in the New York City Defense-Rental Area is corrected by changing the date in section 1 (b) (7) from "October 1, 1944" to "October 1, 1945".

This correction shall become effective as of December 6, 1946.

Issued this 19th day of December 1946.

PHILIP B. FLEMING,
Temporary Controls Administrator,

[F. R. Doc. 46-21832; Filed, Dec. 19, 1946;
11:31 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts,³ Corr. to Amdt. 101 (§1388.1231)]

TRANSIENT HOTELS, RESIDENTIAL HOTELS, ROOMING HOUSES AND MOTOR COURTS

Amendment 101 to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts is corrected by changing the date in section 1 (b) (7) (a) from October 1, 1944" to "October 1, 1945".

This correction shall become effective as of December 6, 1946.

Issued this 19th day of December 1946.

PHILIP B. FLEMING,
Temporary Controls Administrator,

[F. R. Doc. 46-21834; Filed, Dec. 19, 1946;
11:31 a. m.]

¹ 11 F. R. 12084.

² 11 F. R. 4025, 5951, 5823, 8164, 10529, 12943.

³ 11 F. R. 13032, 13056, 13305.

PART 1388—DEFENSE-RENTAL AREAS

[Housing, New York City Area,¹ Corr. to Amdt. 32 (§ 1388.1181)]

HOUSING IN NEW YORK CITY AREA

Amendment 32 to the Rent Regulation for Housing in the New York City Defense-Rental Area is corrected by changing the date in section 1 (b) (6) (i) from "October 1, 1944" to "October 1, 1945."

This correction shall become effective as of December 6, 1946.

Issued this 19th day of December 1946.

PHILIP B. FLEMING,
Temporary Controls Administrator.

[F. R. Doc. 46-21831; Filed, Dec. 19, 1946; 11:31 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Housing,² Corr. to Amdt. 108 (§ 1388.1181)]

HOUSING

Amendment 108 to the Rent Regulation for Housing is corrected by changing the date in section 1 (b) (6) (a) from "October 1, 1944" to "October 1, 1945".

This correction shall become effective as of December 6, 1946.

Issued this 19th day of December 1946.

PHILIP B. FLEMING,
Temporary Controls Administrator.

[F. R. Doc. 46-21833; Filed, Dec. 19, 1946; 11:31 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 204—DANGER ZONE REGULATIONS

ST. ANDREW BAY, FLA., AREA

Pursuant to the provisions of Chapter XIX of the Army Appropriation act of July 9, 1918 (40 Stat. 892; U. S. C. 3), § 204.89d prescribing regulations to govern the use and navigation of waters of the Gulf of Mexico in the vicinity of St. Andrew Bay, comprising a restricted area for test operations of the U. S. Navy Mine Countermeasures Station, Panama City, Florida, is added as follows:

§ 204.89d *Gulf of Mexico, in vicinity of St. Andrew Bay; restricted area for test operations, U. S. Navy Mine Countermeasures Station, Panama City, Fla.*—
(a) *The danger zone.* A rectangular area in the Gulf of Mexico in the vicinity of St. Andrew Bay, Florida, approximately three nautical miles long and two nautical miles wide and one-half nautical mile offshore, with corners located as follows:

Northerly corner:	Southerly corner:
Long. 85°47'45".	Long. 85°46'06".
Lat. 30°09'05".	Lat. 30°06'00".
Easterly corner:	Westerly corner:
Long. 85°45'00".	Long. 85°49'00".
Lat. 30°07'35".	Lat. 30°08'01".

¹ 11 F. R. 4016, 4583, 5542, 5824, 8149, 8163, 10659, 12094.

² 11 F. R. 12055, 13028, 13309.

(b) *The regulations.* (1) Whenever the flag "Baker" or the standard mine-sweep signal is displayed from any vessel or barge operating in the danger zone, navigation in the danger zone is prohibited. The area will be open to navigation at all other times.

(2) A security patrol maintained by the operating agency will exercise full control in the interest of safety to navigation.

(3) This section shall be enforced by the Commanding Officer, U. S. Navy Mine Countermeasures Station, Panama City, Florida, and such agencies as he may designate. [Regs. 18 Oct. 1946 (Mexico, Gulf of)—ENGWR] (40 Stat. 892; 33 U. S. C. 3)

[SEAL]

EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 46-21732; Filed, Dec. 18, 1946; 8:52 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

[S. O. 653]

PART 95—CAR SERVICE

DEMURRAGE ON GONDOLA, OPEN AND COVERED HOPPER CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of December A. D. 1946.

It appearing, that gondola, open and covered hopper cars are being delayed unduly in loading and unloading, or while held for orders, bill of lading, payment of freight charges, reconsignment, diversion, reshipment, inspection, or forwarding directions, causing a shortage of equipment and impeding and diminishing the use, control, supply, movement, distribution, exchange, interchange, and return of such cars; in the opinion of the Commission an emergency requiring immediate action exists in all sections of the country. It is ordered, that:

§ 95.653 *Demurrage on gondola, open and covered hopper cars*—(a) *Cars not subject to an average agreement.* When demurrage detention occurs, for which charges are or may be lawfully provided by tariffs, the demurrage charges on a gondola, open or covered hopper car, not included in an average agreement, held for orders, bill of lading, payment of freight charges, reconsignment, diversion, reshipment, inspection, forwarding directions, loading or unloading shall be \$2.20 per car per day or a fraction thereof for the first two (2) days; \$5.50 per car per day or a fraction thereof for the third day; \$11 per car per day or a fraction thereof for the fourth day; and \$16.50 per car per day or a fraction thereof for each succeeding day.

(b) *Cars subject to an average agreement.* When demurrage detention occurs, for which charges are or may be lawfully provided by tariffs, the demur-

rage charges on a gondola, open or covered hopper car, included in an average agreement, held for orders, bill of lading, payment of freight charges, reconsignment, diversion, reshipment, inspection, forwarding directions, loading or unloading shall be \$2.20 per car per day or a fraction thereof for the first two (2) days; \$5.50 per car per day or a fraction thereof for the third day; \$11 per car per day or a fraction thereof for the fourth day; and \$16.50 per car per day or a fraction thereof for each succeeding day. The \$2.20 per day debit charges may be offset or reduced by accrued credits as provided in applicable demurrage tariffs; provided, however, that the \$5.50 per day, \$11 per day, and \$16.50 per day charges may not be offset or reduced.

(c) *Application.* (1) The provisions of this order shall apply to intrastate as well as interstate traffic.

(2) *Description of cars.* This order shall apply to cars suitable for interchange described under the headings Class G—Gondola Car Type, Class H—Hopper Car Type, also covered hopper cars having a mechanical designation prefixed by "LO" in the current Official Railway Equipment Register.

(3) *Exemptions.* Import, export, coastwise or intercoastal traffic, during the period such traffic is held in cars at ports for transfer to or from vessels or held at United States border crossings, is not subject to this order.

(4) *Computation of demurrage on effective date of order.* The provisions of this order shall apply only on cars which begin to accrue demurrage on and after the effective date hereof.

(d) *Effective date.* This order shall become effective at 7:00 a. m., December 20, 1946.

(e) *Expiration date.* This order shall expire at 7:00 a. m., April 1, 1947, unless otherwise modified, changed, suspended or annulled by order of the Commission.

(f) *Tariff provisions suspended.* (1) Except as provided in section (2) of this paragraph the operation of all rules, regulations or charges, insofar as they conflict with the provisions of this order, is hereby suspended.

(2) This order shall not change Demurrage Rule 8 of Agent B. T. Jones' Tariff I. C. C. No. 3963 as amended or as reissued or similar rules in other tariffs, relating to adjusting, canceling or refunding demurrage charges arising from the unusual conditions or circumstances described in the said Rule 8 or similar rules in other tariffs.

(g) *Announcement of suspension.* Each railroad, or its agent, shall publish, file and post a supplement to each of its tariffs affected thereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of the operation of any of the conflicting provisions therein, and establishing the substituted provisions set forth herein.

It is further ordered, that a copy of this order and direction be served upon the State railroad regulatory bodies of each State, and upon the Association of

American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 402, 40 Stat. 101, sec. 4, 41 Stat. 476, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 46-21742; Filed, Dec. 19, 1946;
8:47 a. m.]

Notices

DEPARTMENT OF JUSTICE.

Office of Alien Property.

[Vesting Order 7912]

KURT SCHMIEDER

In re: Warrants owned by Kurt Schmieder.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kurt Schmieder, whose last known address is Meerane, Saxony, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Warrants, registered in the name of Cobb & Company, for thirty-five (35) subscription rights to American Telephone & Telegraph Company Fifteen Year 2½% Convertible Debentures, due December 15, 1961, arising out of thirty-five (35) shares of \$100 par value capital stock of American Telephone & Telegraph Company, 195 Broadway, New York, New York, a corporation organized under the laws of the State of New York, evidenced by certificate number JN 38590 and registered in the name of Cobb & Company, together with any and all rights in, to and under the aforesaid warrants,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 12, 1946.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 46-21727; Filed, Dec. 18, 1946;
8:46 a. m.]

[Supp. Vesting Order 7908]

FRANK KAZDA

In re: Estate of Frank Kazda, deceased; File No. 017-16661.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ferdinand Kazda, whose last known address is Hungary, is a resident of Hungary and a national of a designated enemy country (Hungary);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Frank Kazda, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Hungary);

3. That such property is in the process of administration by Ludwig Kazda, as Executor, acting under the judicial supervision of the Surrogate's Court, Bronx County, State of New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Hungary).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 12, 1946:

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 46-21726; Filed, Dec. 18, 1946;
8:46 a. m.]

[Vesting Order 7910]

AUGUSTE D. SCHLESINGER

In re: Estate of Auguste D. Schlesinger, deceased; File No. D-63-283; E. T. sec. 7050.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Eleanore von Crailsheim, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Eleanore von Crailsheim, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 and 2 hereof, and each of them, in and to the estate of Auguste D. Schlesinger, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by President and Directors of the Manhattan Company, as Administrator, C. T. A., acting under the judicial supervision of the Surrogate's Court, Queens County, State of New York;

and it is hereby determined:

5. That to the extent that the above named person and the personal representatives, heirs, next of kin, legatees and distributees of Eleanore von Crailsheim, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 50 U. S. C. App. 1; 55 Stat. 839, 50 U. S. C. App. Sup. 616; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong.; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 10 F. R. 6917, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on December 12, 1946:

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 46-21774; Filed, Dec. 19, 1946;
8:47 a. m.]

[Vesting Order 7907]

KONRAD HOHENLOHE

In re: Guardianship Estate of Konrad Hohenlohe. File F-6-811; E. T. sec. 15600.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Konrad Hohenlohe, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That cash in the sum of \$3,556.22 is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Theodore Cogswell, as Register of Wills and Clerk of the Probate Court, acting under the judicial supervision of the District Court of the United States for the District of Columbia, Holding Probate Court:

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 50 U. S. C. App. 1; 55 Stat. 839, 50 U. S. C. App. Sup. 616; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong.; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 10 F. R. 6917, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.)

Executed at Washington, D. C., on December 12, 1946.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 46-21773; Filed, Dec. 19, 1946; 8:47 a. m.]

[Vesting Order 7905]

JULIA M. CAMAC

In re: Estate of Julia M. Camac, deceased; File No. D-28-9914; E. T. sec. No. 14040.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to

law, after investigation, it is hereby found:

1. That Martha Weitemeyer (Stange), whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate, and the trust created under the will of, Julia M. Camac, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Trust Company of North America, as Administrator, c. t. a. and Trustee of the Estate of Julia M. Camac, deceased, acting under the judicial supervision of the Surrogate's Court, New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 50 U. S. C. App. 1; 55 Stat. 839, 50 U. S. C. App. Sup. 616; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong.; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 10 F. R. 6917, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.)

Executed at Washington, D. C., on December 12, 1946.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 46-21634; Filed, Dec. 19, 1946; 8:45 a. m.]

[Vesting Order 7911]

ELIZABETH G. MEYER ET AL.

In re: Stocks owned by and debts owing to Elizabeth Gertrude Meyer, Walter Henniger and Robert Otto Meyer, also known as R. O. Meyer.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elizabeth Gertrude Meyer and Walter Henniger, whose last known ad-

resses are c/o Ruberoidwerke Aktien Gesellschaft, Dovenhof 55, Hamburg 8, Germany, and Robert Otto Meyer, also known as R. O. Meyer, whose last known address is Armgartstrasse 22, Hamburg 24, Germany, are residents of Germany and are nationals of a designated enemy country (Germany);

2. That the property described as follows: Eighteen hundred ninety-three (1893) shares of no par value common capital stock of The Ruberoid Company, 500 Fifth Avenue, New York, New York, a corporation organized under the laws of the State of New Jersey, evidenced by the certificates listed below, registered in the names of and owned by the persons listed below in the amounts appearing opposite each name as follows:

Registered owner	Certificate No.	Number of shares
Elizabeth Gertrude Meyer.....	0324	100
	0319	16
	01990	69
	6950	100
	6951	100
Walter Henniger.....	6952	100
	08317	70
	0318	10
	0571	10
	08198	40
Robert Otto Meyer.....	489	100
	0568	40
	6958	100
	6959	100
	08319	90
R. O. Meyer.....	0320	40
	325	100
	2068	100
	01999	46
	6953	100
	6954	100
	6955	100
	6956	100
	6957	100
	08318	72

together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

3. That the property described as follows: Those certain debts or other obligations owing to Elizabeth Gertrude Meyer, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, evidenced by dividend disbursement checks on the above-described stock registered in the name of Elizabeth Gertrude Meyer, which checks are presently held by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, together with all rights in, to and under, including particularly, but not limited to, the rights to possession and presentation for collection and payment of, the aforesaid checks, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Elizabeth Gertrude Meyer, a national of a designated enemy country (Germany);

4. That the property described as follows:

Those certain debts or other obligations owing to Walter Henniger, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, evidenced by dividend disbursement checks on the above-described stock registered in the name of Walter Henniger, which checks are presently held by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, together with all rights in, to and under, including particularly, but not limited to, the rights to possession and presentation for collection and payment of, the aforesaid checks, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Walter Henniger, a national of a designated enemy country (Germany);

5. That the property described as follows: Those certain debts or other obligations owing to Robert Otto Meyer, also known as R. O. Meyer, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, evidenced by dividend disbursement checks on the above-described stock registered in the name of Robert Otto Meyer and in the name of R. O. Meyer, which checks are presently held by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, together with all rights in, to and under, including particularly, but not limited to, the rights to possession and presentation for collection and payment of, the aforesaid checks, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Robert Otto Meyer, also known as R. O. Meyer, a national of a designated enemy country (Germany);

and it is hereby determined:

6. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 50 U. S. C. App. 1; 55 Stat. 839, 50 U. S. C. App. Sup. 616; Pub. Law

No. 247—2

322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong.; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 10 F. R. 6917, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C. on December 12, 1946.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 46-21775; Filed, Dec. 19, 1946; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR.

Bureau of Reclamation.

[No. 8]

YAKIMA IRRIGATION PROJECT, ROZA DIVISION, WASHINGTON

PUBLIC NOTICE THAT WATER IS READY FOR DELIVERY TO PART OF THE LANDS OF THE ROZA DIVISION; ANNOUNCEMENT OF CONSTRUCTION CHARGE INSTALLMENTS

SEPTEMBER 24, 1946.

Pursuant to the provisions of article 12 (d) of the contract of December 13, 1935, between the United States of America and the Roza Irrigation District, notice is hereby given that:

In addition to the lands listed under Corrected Public Notice No. 6 dated March 4, 1946 (11 F. R. 3897), water is available as of April 1, 1947, for the following tracts of land in the District, to-wit:

WILLAMETTE MERIDIAN

Description and Irrigable Area (Private Land)

T. 11 N., R. 20 E.:		Acres
Sec. 12:		
	NE $\frac{1}{4}$ SW $\frac{1}{4}$ (pump)-----	9.6
	SE $\frac{1}{4}$ SW $\frac{1}{4}$ (pump)-----	37.4
T. 10 N., R. 21 E.:		
Sec. 1:		
	NW $\frac{1}{4}$ NW $\frac{1}{4}$ -----	19.0
	SW $\frac{1}{4}$ NW $\frac{1}{4}$ -----	11.7
Sec. 2:		
	NE $\frac{1}{4}$ NE $\frac{1}{4}$ -----	28.5
	NW $\frac{1}{4}$ NE $\frac{1}{4}$ -----	27.7
	SW $\frac{1}{4}$ NE $\frac{1}{4}$ -----	39.8
	SE $\frac{1}{4}$ NE $\frac{1}{4}$ -----	30.8
	W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ -----	20.7
	SE $\frac{1}{4}$ NW $\frac{1}{4}$ -----	39.5
	NE $\frac{1}{4}$ SW $\frac{1}{4}$ -----	40.5
	NW $\frac{1}{4}$ SW $\frac{1}{4}$ -----	32.7
	SW $\frac{1}{4}$ SW $\frac{1}{4}$ -----	13.0
	SE $\frac{1}{4}$ SW $\frac{1}{4}$ -----	26.1
	NE $\frac{1}{4}$ SE $\frac{1}{4}$ -----	28.4
	NW $\frac{1}{4}$ SE $\frac{1}{4}$ -----	40.6
	SW $\frac{1}{4}$ SE $\frac{1}{4}$ -----	17.6
	SE $\frac{1}{4}$ SE $\frac{1}{4}$ -----	4.8
Sec. 3:		
	NE $\frac{1}{4}$ NE $\frac{1}{4}$ -----	33.0
	NW $\frac{1}{4}$ NE $\frac{1}{4}$ -----	31.0
	SW $\frac{1}{4}$ NE $\frac{1}{4}$ -----	22.9
	SE $\frac{1}{4}$ NE $\frac{1}{4}$ -----	30.5
	NE $\frac{1}{4}$ NW $\frac{1}{4}$ -----	30.2
	NW $\frac{1}{4}$ NW $\frac{1}{4}$ -----	19.4
	SW $\frac{1}{4}$ NW $\frac{1}{4}$ -----	39.0
	SE $\frac{1}{4}$ NW $\frac{1}{4}$ -----	24.8
	NE $\frac{1}{4}$ SE $\frac{1}{4}$ -----	38.9
	NW $\frac{1}{4}$ SE $\frac{1}{4}$ -----	13.8
	SW $\frac{1}{4}$ SE $\frac{1}{4}$ -----	1.4
	SE $\frac{1}{4}$ SE $\frac{1}{4}$ -----	6.2
T. 11 N., R. 21 E.:		
Sec. 20:		
	NE $\frac{1}{4}$ SE $\frac{1}{4}$ -----	6.9
	SE $\frac{1}{4}$ SE $\frac{1}{4}$ -----	27.5

WILLAMETTE MERIDIAN--Continued

Description and Irrigable Area (Private Land)--Continued

T. 11 N., R. 21 E.--Continued.

Sec. 21:		Acres
	SW $\frac{1}{4}$ NW $\frac{1}{4}$ -----	0.6
	SE $\frac{1}{4}$ SW $\frac{1}{4}$ -----	4.6
	NE $\frac{1}{4}$ SW $\frac{1}{4}$ -----	34.8
	NW $\frac{1}{4}$ SW $\frac{1}{4}$ -----	34.8
	SW $\frac{1}{4}$ SW $\frac{1}{4}$ -----	37.7
	SE $\frac{1}{4}$ SW $\frac{1}{4}$ -----	34.2
	NW $\frac{1}{4}$ SE $\frac{1}{4}$ -----	9.0
	SW $\frac{1}{4}$ SE $\frac{1}{4}$ -----	11.9
	SE $\frac{1}{4}$ SE $\frac{1}{4}$ -----	13.4
Sec. 25:		
	SW $\frac{1}{4}$ NW $\frac{1}{4}$ -----	5.0
	SE $\frac{1}{4}$ NW $\frac{1}{4}$ -----	10.9
	NE $\frac{1}{4}$ SW $\frac{1}{4}$ -----	36.9
	NW $\frac{1}{4}$ SW $\frac{1}{4}$ -----	33.8
	SW $\frac{1}{4}$ SW $\frac{1}{4}$ -----	39.8
	SE $\frac{1}{4}$ SW $\frac{1}{4}$ -----	37.9
	NE $\frac{1}{4}$ SE $\frac{1}{4}$ -----	29.5
	NW $\frac{1}{4}$ SE $\frac{1}{4}$ -----	34.3
	SW $\frac{1}{4}$ SE $\frac{1}{4}$ -----	38.5
	SE $\frac{1}{4}$ SE $\frac{1}{4}$ -----	38.0
Sec. 26:		
	SW $\frac{1}{4}$ NW $\frac{1}{4}$ -----	12.8
	NE $\frac{1}{4}$ SW $\frac{1}{4}$ -----	1.3
	NW $\frac{1}{4}$ SW $\frac{1}{4}$ -----	22.3
	SW $\frac{1}{4}$ SW $\frac{1}{4}$ -----	39.9
	SE $\frac{1}{4}$ SW $\frac{1}{4}$ -----	37.9
Sec. 27:		
	NE $\frac{1}{4}$ NE $\frac{1}{4}$ -----	26.3
	NW $\frac{1}{4}$ NE $\frac{1}{4}$ -----	34.3
	SW $\frac{1}{4}$ NE $\frac{1}{4}$ -----	37.1
	SE $\frac{1}{4}$ NE $\frac{1}{4}$ -----	40.6
	NE $\frac{1}{4}$ NW $\frac{1}{4}$ -----	38.1
	NW $\frac{1}{4}$ NW $\frac{1}{4}$ -----	37.1
	SW $\frac{1}{4}$ NW $\frac{1}{4}$ -----	36.6
	SE $\frac{1}{4}$ NW $\frac{1}{4}$ -----	39.6
	NE $\frac{1}{4}$ SW $\frac{1}{4}$ -----	37.7
	NW $\frac{1}{4}$ SW $\frac{1}{4}$ -----	38.3
	SW $\frac{1}{4}$ SW $\frac{1}{4}$ -----	37.5
	SE $\frac{1}{4}$ SW $\frac{1}{4}$ -----	35.5
	NE $\frac{1}{4}$ SE $\frac{1}{4}$ -----	38.4
	NW $\frac{1}{4}$ SE $\frac{1}{4}$ -----	38.1
	SW $\frac{1}{4}$ SE $\frac{1}{4}$ -----	37.0
	SE $\frac{1}{4}$ SE $\frac{1}{4}$ -----	38.7
Sec. 28:		
	NE $\frac{1}{4}$ NE $\frac{1}{4}$ -----	30.7
	NW $\frac{1}{4}$ NE $\frac{1}{4}$ -----	38.5
	SW $\frac{1}{4}$ NE $\frac{1}{4}$ -----	37.2
	SE $\frac{1}{4}$ NE $\frac{1}{4}$ -----	31.2
	NE $\frac{1}{4}$ NW $\frac{1}{4}$ -----	33.2
	NW $\frac{1}{4}$ NW $\frac{1}{4}$ -----	39.5
	SW $\frac{1}{4}$ NW $\frac{1}{4}$ -----	34.7
	SE $\frac{1}{4}$ NW $\frac{1}{4}$ -----	35.7
	NE $\frac{1}{4}$ SW $\frac{1}{4}$ -----	32.6
	NW $\frac{1}{4}$ SW $\frac{1}{4}$ -----	34.8
	SW $\frac{1}{4}$ SW $\frac{1}{4}$ -----	33.6
	SE $\frac{1}{4}$ SW $\frac{1}{4}$ -----	29.5
	NE $\frac{1}{4}$ SE $\frac{1}{4}$ -----	34.7
	NW $\frac{1}{4}$ SE $\frac{1}{4}$ -----	28.9
	SW $\frac{1}{4}$ SE $\frac{1}{4}$ -----	37.4
	SE $\frac{1}{4}$ SE $\frac{1}{4}$ -----	37.9
Sec. 29:		
	NE $\frac{1}{4}$ SW $\frac{1}{4}$ -----	9.9
	SW $\frac{1}{4}$ SW $\frac{1}{4}$ -----	1.0
	SE $\frac{1}{4}$ SW $\frac{1}{4}$ -----	31.0
	NE $\frac{1}{4}$ SE $\frac{1}{4}$ -----	34.2
	NW $\frac{1}{4}$ SE $\frac{1}{4}$ -----	38.6
	SW $\frac{1}{4}$ SE $\frac{1}{4}$ -----	36.5
	SE $\frac{1}{4}$ SE $\frac{1}{4}$ -----	34.6
Sec. 33:		
	NE $\frac{1}{4}$ NE $\frac{1}{4}$ -----	33.4
	NW $\frac{1}{4}$ NE $\frac{1}{4}$ -----	32.8
	SW $\frac{1}{4}$ NE $\frac{1}{4}$ -----	35.0
	SE $\frac{1}{4}$ NE $\frac{1}{4}$ -----	35.6
	NE $\frac{1}{4}$ NW $\frac{1}{4}$ -----	34.8
	NW $\frac{1}{4}$ NW $\frac{1}{4}$ -----	7.0
	SW $\frac{1}{4}$ NW $\frac{1}{4}$ -----	15.8
	SE $\frac{1}{4}$ NW $\frac{1}{4}$ -----	36.2
	NE $\frac{1}{4}$ SW $\frac{1}{4}$ -----	18.1
	NW $\frac{1}{4}$ SE $\frac{1}{4}$ -----	27.5
	SW $\frac{1}{4}$ SE $\frac{1}{4}$ -----	5.8
Sec. 34:		
	NE $\frac{1}{4}$ NE $\frac{1}{4}$ -----	39.9
	NW $\frac{1}{4}$ NE $\frac{1}{4}$ -----	39.0
	SW $\frac{1}{4}$ NE $\frac{1}{4}$ -----	39.6
	SE $\frac{1}{4}$ NE $\frac{1}{4}$ -----	39.2
	NE $\frac{1}{4}$ NW $\frac{1}{4}$ -----	39.1

WILLAMETTE MERIDIAN—Continued

Description and Irrigable Area (Private Land)—Continued

T. 11 N., R. 21 E.—Continued.

Sec. 34—Continued.

	Acres
NW 1/4 NW 1/4	36.2
SW 1/4 NW 1/4	34.8
SE 1/4 NW 1/4	36.8
NE 1/4 SW 1/4	35.1
NW 1/4 SW 1/4	35.0
SW 1/4 SW 1/4	32.2
SE 1/4 SW 1/4	37.5
NE 1/4 SE 1/4	33.3
NW 1/4 SE 1/4	38.7
SW 1/4 SE 1/4	33.6
SE 1/4 SE 1/4	37.2

Sec. 35:

NE 1/4 NE 1/4	40.5
NW 1/4 NE 1/4	40.1
SW 1/4 NE 1/4	40.2
SE 1/4 NE 1/4	36.5
NE 1/4 NW 1/4	40.4
NW 1/4 NW 1/4	39.7
SW 1/4 NW 1/4	40.5
SE 1/4 NW 1/4	40.5
NE 1/4 SW 1/4	39.8
NW 1/4 SW 1/4	40.1
SW 1/4 SW 1/4	36.3
SE 1/4 SW 1/4	39.6
NE 1/4 SE 1/4	39.8
NW 1/4 SE 1/4	35.9
SW 1/4 SE 1/4	27.5
SE 1/4 SE 1/4	37.9

Sec. 36:

NE 1/4 NE 1/4	40.3
NW 1/4 NE 1/4	36.8
SW 1/4 NE 1/4	39.4
SE 1/4 NE 1/4	40.8
NE 1/4 NW 1/4	33.4
NW 1/4 NW 1/4	38.6
SW 1/4 NW 1/4	35.2
SE 1/4 NW 1/4	32.4
NE 1/4 SW 1/4	26.8
NW 1/4 SW 1/4	32.0
SW 1/4 SW 1/4	26.7
SE 1/4 SW 1/4	29.6
NE 1/4 SE 1/4	40.1
NW 1/4 SE 1/4	38.7
SW 1/4 SE 1/4	36.6
SE 1/4 SE 1/4	26.4

T. 10 N., R. 22 E.:

Sec. 4:

NW 1/4 NW 1/4	38.4
NE 1/4 SW 1/4	9.7
NW 1/4 SW 1/4	39.8

Sec. 5:

NE 1/4 NE 1/4	42.1
NW 1/4 NE 1/4	42.8
SW 1/4 NE 1/4	39.2
SE 1/4 NE 1/4	39.5
NE 1/4 NW 1/4	41.4
NW 1/4 NW 1/4	42.1
SW 1/4 NW 1/4	38.7
SE 1/4 NW 1/4	38.9
NE 1/4 SW 1/4	24.6
NW 1/4 SW 1/4	15.1
SW 1/4 SW 1/4	32.7
SE 1/4 SW 1/4	32.8

Sec. 6:

SW 1/4 NE 1/4	16.2
NE 1/4 NW 1/4	33.0
NW 1/4 NW 1/4	5.7
SE 1/4 NW 1/4	2.9
NE 1/4 SE 1/4	1.0

T. 11 N., R. 22 E.:

Sec. 29, SW 1/4 SW 1/4

Sec. 30:

NE 1/4 SW 1/4	26.8
NW 1/4 SW 1/4	28.7
SW 1/4 SW 1/4	44.0
SE 1/4 SW 1/4	35.5
NW 1/4 SE 1/4	8.8
SW 1/4 SE 1/4	88.6
SE 1/4 SE 1/4	29.4

Sec. 31:

NE 1/4 NE 1/4	38.2
NW 1/4 NE 1/4	38.7
SW 1/4 NE 1/4	37.4
SE 1/4 NE 1/4	39.7
NE 1/4 NW 1/4	89.1

WILLAMETTE MERIDIAN—Continued

Description and Irrigable Area (Private Land)—Continued

T. 11 N., R. 22 E.—Continued.

Sec. 31—Continued.

	Acres
NW 1/4 NW 1/4	40.8
SW 1/4 NW 1/4	40.1
SE 1/4 NW 1/4	37.3
NE 1/4 SW 1/4	38.5
NW 1/4 SW 1/4	39.1
SW 1/4 SW 1/4	32.5
SE 1/4 SW 1/4	33.0
NE 1/4 SE 1/4	37.6
NW 1/4 SE 1/4	39.7
SW 1/4 SE 1/4	39.6
SE 1/4 SE 1/4	34.2

Sec. 32:

SW 1/4 NE 1/4	1.4
NW 1/4 NW 1/4	32.2
SW 1/4 NW 1/4	38.2
SE 1/4 NW 1/4	16.6
NE 1/4 SW 1/4	38.4
NW 1/4 SW 1/4	34.1
SW 1/4 SW 1/4	38.5
SE 1/4 SW 1/4	38.8
NE 1/4 SE 1/4	14.3
NW 1/4 SE 1/4	31.5
SW 1/4 SE 1/4	40.7
SE 1/4 SE 1/4	40.6

Sec. 33:

NW 1/4 SW 1/4	2.5
SW 1/4 SW 1/4	19.3

Total Irrigable area..... 6,549.1

The preliminary estimate of the probable cost of construction of the diversion dam, canal system, pumping plant or plants, and other irrigation works under said contract is \$15,500,000. It will be necessary, if construction work is to continue beyond the District's present contract construction obligation of \$15,000,000, for the District formally to authorize an increase in its present obligation.

The preliminary estimate of the construction charge per irrigable acre for the works built and to be built under this contract is hereby announced as \$216.00 an acre. This per-acre construction charge is preliminary and subject to readjustment upon completion or termination of the construction program for providing the works to the District under said contract and the ascertainment of the actual cost thereof, and is subject to increase or decrease to the end that the District will pay to the United States the full construction cost as finally determined by the Secretary of the Interior.

The construction charge payable by the District to the United States on account of the above described lands of the District will be due and payable in seventy-eight (78) semi-annual installments and will be based upon this preliminary estimate until the actual cost of the works to be provided the District under the said contract is determined and announced. The first of these installments will be three and no/100 dollars (\$3.00) per irrigable acre, as the irrigable acreage is shown on the above list of lands, and will be due and payable by the District to the United States on December 31, 1947. Subsequent semi-annual installments will be due on June 30 and December 31 of each year beginning with 1948, the last installment to be due and payable within forty (40) years from the date of this notice. The amount of the remaining seventy-seven (77) installments will be determined and

announced by a later public notice or notices.

Pursuant to article 12 (e) of the aforementioned contract, the operation and maintenance charge payable to the United States on behalf of the lands described in this notice for 1947 shall be transferred to and paid as a part of the construction obligation.

The second and third installments of construction charges on the lands and irrigable acreage listed in Corrected Public Notice No. 6 dated March 4, 1946, will each be three and no/100 dollars (\$3.00) per irrigable acre and will be due on June 30, 1947, and December 31, 1947, respectively. The amount of the remaining seventy-five (75) installments on these lands will be determined and announced by a later public notice or notices.

MICHAEL W. STRAUS,
Commissioner.

[F. R. Doc. 46-21730; Filed, Dec. 19, 1946;
8:52 a. m.]

YAKIMA PROJECT, WASHINGTON

FIRST FORM RECLAMATION WITHDRAWAL

NOVEMBER 21, 1946.

Pursuant to the authority delegated by Departmental Order No. 2238 of August 16, 1946, I hereby withdraw the following described land from public entry under the first form of withdrawal, as provided by section 3 of the Act of June 17, 1902 (32 Stat. 388):

YAKIMA PROJECT, WASHINGTON

WILLAMETTE MERIDIAN

T. 13 N., R. 13 E., sec. 6, SE 1/4.

The area described aggregates 160 acres.

KENNETH MARKWELL,
Assistant Commissioner.

I concur. The records of the Bureau of Land Management and of the District Land Office will be noted accordingly.

FRED W. JOHNSON,
Acting Director,
Bureau of Land Management.

NOVEMBER 27, 1946.

[F. R. Doc. 46-21731; Filed, Dec. 19, 1946;
8:52 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-669]

MICHIGAN-WISCONSIN PIPE LINE CO.

NOTICE OF ORDER MODIFYING ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

DECEMBER 17, 1946.

Notice is hereby given that, on December 16, 1946, the Federal Power Commission issued its order modifying order issuing certificate of public convenience and necessity, entered December 14, 1946, in the above designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 46-21758; Filed, Dec. 19, 1946;
8:50 a. m.]

[Project 553]

CITY OF SEATTLE, WASH.

NOTICE OF APPLICATION FOR AMENDMENT
OF LICENSE

Public notice is hereby given, pursuant to the provisions of the Federal Power Act (16 U. S. C. 791-825r), that the City of Seattle, Washington, has made application for amendment of license for major project No. 553 to authorize construction of the Third Step of Ross (formerly Ruby) Dam, located on Skagit River in Whatcom County, Washington, to an elevation of 1,620 feet, plus or minus, at the roadway atop the dam with the normal high-water level in the reservoir to be at 1,600 feet. Any protest against the approval of this application or request for hearing thereon, with the reasons for such protest or request, and the name and address of the party or parties so protesting or requesting, should be submitted before January 27, 1947, to the Federal Power Commission at Washington, D. C.

[SEAL]

LEON M. FUQUAY,
Secretary.[F. R. Doc. 46-21760; Filed, Dec. 19, 1946;
8:49 a. m.]

[Docket No. G-788]

HOPE NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

DECEMBER 14, 1946.

Upon consideration of the application filed September 24, 1946, in Docket No. G-788 by Hope Natural Gas Company (Applicant), a West Virginia corporation with its principal place of business at Clarksburg, West Virginia, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as amended, to authorize Applicant to construct and operate the following described natural gas facilities, all in the State of West Virginia, subject to the jurisdiction of the Federal Power Commission:

Three (3) 800 horsepower gas engine driven compressors at the Oscar Nelson Compressor Station in Wyoming County; two (2) 800 horsepower gas engine driven compressors at the Loup Creek Compressor Station in Wyoming County; approximately 27 miles of 20-inch pipeline to loop the existing 20-inch pipeline H-162 from Jackson Station to Cornwell Station, both in Kanawha County; approximately 15 miles of 20-inch pipeline to loop the existing 20-inch pipeline H-162 from Minnora Compressor Station to Jones Compressor Station both in Gilmer County; two (2) 1,200 horsepower gas engine driven compressors at Jones Compressor Station in Gilmer County; approximately 16 miles of 20-inch pipeline to loop the existing pipeline H-155 from Fleming Junction in Ritchie County to Maxwell Junction in Doddridge County; and two (2) 2,000 horsepower steam driven compressors at Hastings Compressor Station in Wetzel County, together with one new boiler of 125,000 pounds per hour capacity;

It appearing to the Commission that:

(a) Applicant proposes the construction and operation of the aforesaid described facilities for the purpose of increasing the capacity in its system to provide greater deliveries to meet the

present and estimated future demands made on its system. With the proposed compressor facilities, a total of 71,000 Mcf per day may be made available from the Wyoming County gas fields. Applicant proposes the additional compressor capacity at the Hastings Compressor Station in order to meet the increasing demands of The East Ohio Gas Company, New York State Natural Gas Corporation and Hope's other wholesale customers;

(b) This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946). Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested hearings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on October 10, 1946 (Vol. 11 F. R. No. 198, pp. 11775-11776);

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946) a hearing be held on the 30th day of December 1946, at 9:45 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the matters of fact and law asserted in the application filed in the above-entitled proceeding: *Provided, however*, That if no request to be heard or protest or petition to intervene, raising in the judgment of the Commission an issue of substance, has been filed or allowed prior to the date hereinbefore set for hearing, the Commission may, after a non-contested hearing, forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the proceeding, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration;

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

By the Commission.

Date of issuance: December 16, 1946.

[SEAL]

J. H. GUTRIE,
Acting Secretary.[F. R. Doc. 46-21759; Filed, Dec. 19, 1946;
8:49 a. m.]

[Docket No. G-792]

ARKANSAS LOUISIANA GAS CO.

ORDER FIXING DATE OF HEARING

DECEMBER 14, 1946.

Upon consideration of the application filed on September 30, 1946, and a supple-

ment thereto filed on November 22, 1946, in Docket No. G-792 by Arkansas Louisiana Gas Company, a Delaware corporation, with its principal place of business at Shreveport, Louisiana, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize Applicant to construct and operate the following described natural-gas pipeline facilities subject to the jurisdiction of the Federal Power Commission:

Approximately 5,808 feet of 8 $\frac{1}{2}$ -inch OD welded pipeline to extend from Station 77-05 on Applicant's Line R at its junction with Applicant's Line G, approximately 2 miles northeast of Mooringsport, Louisiana, in a westerly direction to an electric generating plant of the Southwestern Gas and Electric Company now under construction in Section 29, Township 20 North, Range 15 West, Caddo Parish, Louisiana, including a gas scrubber, metering and regulating facilities and a tie-over to Applicant's Line G.

It appearing to the Commission that:

(a) Applicant proposes the construction and operation of the aforesaid described facilities for the purpose of rendering natural gas service to an electric generating plant of the Southwestern Gas and Electric Company now under construction near Mooringsport, Louisiana; and

(b) This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested hearings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on October 12, 1946 (11 F. R. 11942).

The Commission, therefore, orders that:

(A) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on December 30, 1946, at 9:30 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters of fact and law asserted in the application filed in the above entitled proceeding: *Provided, however*, That if no request to be heard, or protest or petition to intervene raising in the judgment of the Commission an issue of substance, has been filed or allowed prior to the date hereinbefore set for hearing, the Commission may after a noncontested hearing forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the proceeding, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State commissions may participate as provided by Rules 8 and

37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

By the Commission.

Date of issuance: December 16, 1946.

[SEAL]

J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 46-21763; Filed, Dec. 19, 1946;
8:50 a. m.]

[Docket No. G-802]

HOPE NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

DECEMBER 14, 1946.

Upon consideration of the application filed on October 29, 1946, and a supplement thereto filed on November 21, 1946, Docket No. G-802, by Hope Natural Gas Company, a West Virginia corporation, having its principal place of business in Clarksburg, West Virginia, pursuant to section 7 (b) of the Natural Gas Act, requesting permission to abandon the following described natural-gas pipeline facilities subject to the jurisdiction of the Federal Power Commission:

A portion of transmission pipeline known as Line H-210 from Ellenboro to Dry Fork, West Virginia, consisting of 25.35 miles of 12-inch pipe together with Dresser couplings and gate valves.

It appearing to the Commission that:

(a) Applicant proposes to abandon the operation of the aforesaid described facilities and it may be in the public interest to grant permission and approval thereof; and

(b) This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested hearings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on November 9, 1946 (11 F. R. page 13429);

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on the 30th day of December 1946, at 9:30 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, NW., Washington, D. C., concerning the matters of fact and law asserted in the application filed in the above entitled proceedings; *Provided, however*, That if no request to be heard, or protest or petition to intervene raising in the judgment of the Commission an issue of substance, has been filed or allowed prior to the date hereinbefore set for hearing,

the Commission may after a noncontested hearing forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the proceeding, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

By the Commission.

Date of issuance: December 16, 1946.

[SEAL]

J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 46-21764; Filed, Dec. 19, 1946;
8:50 a. m.]

[Docket No. G-811]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION

DECEMBER 16, 1946.

Notice is hereby given that on December 5, 1946, Cities Service Gas Company (Applicant), a Delaware corporation, having its principal place of business at Oklahoma City, Oklahoma, and authorized to do business in the States of Oklahoma, Kansas, Texas, Nebraska and Missouri, filed an application (an application for a temporary certificate having been filed on November 13, 1946) for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize Applicant to construct and operate a meter setting at a mutually convenient point to Applicant and Suburban Gas, Inc. on Applicant's main 8-inch pipe line in the Southwest Quarter (SW $\frac{1}{4}$) of Section 28, Township 11 South, Range 23 East, Wyandotte County, Kansas, for the purpose of delivering and selling emergency gas to Suburban Gas, Inc. for resale to the latter's customers in Wyandotte County, Kansas.

Applicant recites that local supplies of gas available to Suburban Gas, Inc. have become depleted to such an extent that Suburban Gas, Inc. requires emergency service in order to insure an adequate supply of gas on winter days. Applicant will deliver such volumes of gas to Suburban Gas, Inc. subject, however, to such gas as Applicant can safely spare over and above Applicant's requirements to its existing customers.

Applicant states that until such time as new rate schedules are filed by applicant and allowed to become effective by the Federal Power Commission, the rate proposed to be charged by applicant for the emergency service to be rendered is forty-five cents (45¢) per Mcf or Fifty Dollars (\$50.00) per month minimum charge.

Applicant estimates the total over-all cost of construction of the proposed facility is \$1,000, which fund applicant proposes to disburse from its own treasury.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

Any person desiring to be heard or to make any protest with reference to the application of Cities Service Gas Company should file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 46-21761; Filed, Dec. 19, 1946;
8:50 a. m.]

[Docket No. G-821]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION

DECEMBER 16, 1946.

Notice is hereby given that on December 9, 1946, Cities Service Gas Company (Applicant), a Delaware corporation, having its principal place of business at Oklahoma City, Oklahoma, and authorized to do business in the States of Texas, Oklahoma, Kansas, Nebraska, and Missouri, filed an application (an application for a temporary certificate having been filed on November 26, 1946) for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize Applicant to construct and operate a positive meter setting at a mutually convenient point to Applicant and Billings Gas Company on Applicant's 20-inch pipe line in the Southeast corner of Section 22, Township 24 North, Range 2 West, Noble County, Oklahoma, for the purpose of delivering and selling emergency gas to Billings Gas Company for resale to the latter's customers in and about the city of Billings, Noble County, Oklahoma.

Applicant recites that local supplies of gas available to Billings Gas Company have become depleted to such an extent that Billings Gas Company requires emergency service in order to insure an adequate supply of gas on winter days. Applicant will deliver such volumes of gas to Billings Gas Company, subject, however, to such gas as Applicant can safely spare over and above Applicant's requirements to its existing customers.

Applicant states that until such time as new rate schedules are filed by Applicant and allowed to become effective by the Federal Power Commission, the rate proposed to be charged by Applicant for the emergency service to be rendered is thirty-five cents (35¢) per Mcf or twenty-

five dollars (\$25.00) per month minimum charge.

Applicant estimates the total over-all cost of construction of the proposed facility is \$1,000, which fund Applicant proposes to disburse from its own treasury.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

Any person desiring to be heard or to make any protest with reference to the application of Cities Service Gas Company should file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the *FEDERAL REGISTER*, a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 46-21762; Filed, Dec. 19, 1946;
8:50 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 396, Special Permit 76]

RECONSIGNMENT OF LETTUCE AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Illinois, December 12, 1946, by Gridley Maxon of car PFE 92349, lettuce, now on the Chicago Produce Terminal to New York, New York (NYC RR).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of December 1946.

[SEAL]

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 46-21745; Filed, Dec. 19, 1946;
8:48 a. m.]

[S. O. 396, Special Permit 77]

RECONSIGNMENT OF APPLES AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., Dec. 12, 1946, by M. Rosen & Co., of car FGE 13607, apples, now on the B. & O. Produce Terminal to New York, N. Y. (B. & O.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of December 1946.

[SEAL]

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 46-21746; Filed, Dec. 19, 1946;
8:48 a. m.]

[S. O. 654]

UNLOADING OF FREIGHT CARS AT LOS ANGELES, CALIF.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of December A. D. 1946.

It appearing, that 2 cars containing bath tubs and sheet steel at Los Angeles, California, on The Atchison, Topeka and Santa Fe Railway Company, have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action: it is ordered, that:

(a) *Cars at Los Angeles, California, be unloaded.* The Atchison, Topeka and Santa Fe Railway Company or its agents or employees, shall unload immediately cars PRR 93353 and RI 160494, containing bath tubs and sheet steel, respectively, now on hand at Los Angeles, Calif., consigned to Liff Smith and Walter Smith, respectively, Los Angeles, Calif.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., December 16,

1946, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire. (40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 46-21743; Filed, Dec. 19, 1946;
8:48 a. m.]

[S. O. 655]

UNLOADING OF FREIGHT CARS AT NEW ORLEANS, LA.

At a session of the Interstate Commerce Commission 3, held at its office in Washington, D. C., on the 16th day of December A. D. 1946.

It appearing, that two cars containing various commodities at New Orleans, La., on the Illinois Central Railroad Company, have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

(a) *Cars at New Orleans, Louisiana, be unloaded.* The Illinois Central Railroad Company, its agents or employees, shall unload forthwith cars SLSF 150409, containing woven wire fence, and C&NW 94045, containing tractors and parts, now on hand at New Orleans, Louisiana, consigned to Rohner Gehrig & Co., Inc., and to Baker, Iron & Dockstrader, Inc., respectively, both in care of W. H. Osborn, New Orleans, La., for export.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., December 17, 1946, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

It is further ordered, that this order shall become effective immediately, and that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 46-21744; Filed, Dec. 19, 1946;
8:47 a. m.]

[S. O. 396, Special Permit 78]

RECONSIGNMENT OF POTATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Illinois, December 12, 1946, by Murlas Bros., of car PFE 26392, potatoes, now on the Wood Street Terminal, to N. B. Baroody, Florence S. C. (C & O-Sou-ACL).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of December, 1946.

[SEAL]

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 46-21747; Filed, Dec. 19, 1946;
8:48 a. m.]

NATIONAL HOUSING AGENCY.

Federal Home Loan Bank Administration.

[Bulletin 82]

REMOVAL OF MEMBERS FROM BANK SYSTEM

PROPOSED AMENDMENT RELATING TO HEARINGS

DECEMBER 17, 1946.

Pursuant to 24 CFR 8.3 (c), notice is hereby given of a proposed amendment of 24 CFR 3.7 (c) to read as follows:

(c) *Procedure for removal.* Adjudications pursuant to section 6 (i) of the Federal Home Loan Bank Act, in connection with the removal of Bank members, will be determined in accordance with, and follow the requirements of, the provisions of the Administrative Procedure Act, as now or hereafter amended. All such hearings are determined under the provisions of the Administrative Procedure Act to be of such a character that either the filing or publication of notice of any such hearing would be in conflict with the public interest since they involve the operations of financial institutions.

The foregoing amendment is proposed to be adopted under the provisions of sections 6 (i) and 17 of the Federal Home Loan Bank Act.

(Sec. 6 (i), 17, 47 Stat. 729, 736, Pub. Law 404, 79th Cong., 60 Stat. 237; 12 U. S. C. 1426, 1437; E. O. 9070, Feb. 24, 1942, 7 F. R. 1529)

[SEAL]

HAROLD LEE,
Governor.
KENNETH G. HEISLER,
General Counsel.
ORMOND E. LOOMIS,
Executive Assistant
to the Commissioner.

[F. R. Doc. 46-21768; Filed, Dec. 19, 1946;
8:47 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Notice and Order of Termination]

GREAT LAKES TOWING CO.

POSSESSION, CONTROL AND OPERATION OF TRANSPORTATION SYSTEM, PLANTS, AND FACILITIES

Pursuant to Executive Order 9661 (10 F. R. 14591), I hereby determine that possession, control and operation by the United States of the transportation system of The Great Lakes Towing Company are no longer necessary to carry out the provisions, and to accomplish the purposes of said Executive Order, and it is hereby ordered, that:

1. *Termination of possession, control and operation.* Possession, control and operation by the United States of the transportation system of The Great Lakes Towing Company, Cleveland, Ohio, including all real and personal property, plants, facilities, and other assets of said company, taken and assumed pursuant to Executive Order 9661 and notice and

order of the Director of the Office of Defense Transportation issued November 29, 1945, are hereby terminated and relinquished as of 12:01 o'clock a. m., December 18, 1946. No further action shall be required to effect the termination of Government control and operation, and relinquishment of possession hereby ordered.

2. *Communications.* Communications concerning this order should be addressed to the Office of Defense Transportation, Washington 25, D. C.

Issued at Washington, D. C., this 17th day of December, 1946.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 46-21776; Filed, Dec. 19, 1946;
8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 1-427]

KRESGE DEPARTMENT STORES, INC.

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 16th day of December A. D. 1946.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the Common Stock, \$1.00 Par Value, of Kresge Department Stores, Inc.;

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on December 26, 1946.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 46-21737; Filed, Dec. 19, 1946;
8:48 a. m.]

[File No. 1-3157]

INTERNATIONAL PAPER CO.

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 16th day of December A. D. 1946.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the 6% Refunding

Mortgage Sinking Fund Gold Bonds, Series A, due 1955, of International Paper Company;

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on December 26, 1946.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 46-21736; Filed, Dec. 19, 1946;
8:48 a. m.]

[File No. 7-931]

PUBLICKER INDUSTRIES, INC.

NOTICE AND ORDER OF HEARING ON APPLICATION FOR UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 16th day of December A. D. 1946.

The Philadelphia Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the \$5.00 Par Value Common Stock of Publicker Industries, Inc., a security listed and registered on the New York Stock Exchange. Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Philadelphia, Pennsylvania.

The Commission deems it necessary that a hearing be held in this matter to determine whether there exist in the vicinity of the applicant exchange sufficiently widespread public distribution of this security and sufficient public trading activity in this security to render the extension of unlisted trading privileges on the applicant exchange necessary or appropriate in the public interest or for the protection of investors, and to determine whether the extension of unlisted trading privileges otherwise is necessary or appropriate in the public interest or for the protection of investors.

Therefore it is ordered, That a public hearing be held before Robert P. Reeder as hearing officer at 10:00 a. m. on Wednesday, January 15, 1947, at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 46-21738; Filed, Dec. 19, 1946;
8:48 a. m.]

[File No. 54-133]

ASSOCIATED GAS AND ELECTRIC CO. ET AL.

ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 13th day of December 1946.

In the matter of Stanley Clarke, Trustee of Associated Gas and Electric Company, Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, NY PA NJ Utilities Company, General Gas & Electric Corporation, General Public Utilities Corporation, Associated General Utilities Company, Metropolitan Edison Company, and Gas & Electric Associates; File No. 54-133.

An application for approval of a plan filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 having been filed by Stanley Clarke, Trustee of Associated Gas and Electric Company, a registered holding company, Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company, and the following direct or indirect subsidiaries of the said two registered holding companies: NY PA NJ Utilities Company, General Gas & Electric Corporation, General Public Utilities Corporation (formerly Associated Utilities Corporation), and Gas & Electric Associates, each of which is a registered holding company, and Metropolitan Edison Company and Associated General Utilities Company; and the said plan proposing that various securities registered in the name of Day & Co., Dean & Co., Drake & Co., and Holland & Co., be transferred and delivered to the respective applicants above named, as beneficial owners of such securities, and that Day & Co., Dean & Co., Drake & Co., and Holland & Co., be dissolved; and

The Commission having on November 1, 1945, made and filed its findings and opinion and order (Holding Company Act Release No. 6180) and approved the plan subject to the conditions specified in Rule U-24 of the General Rules and Regulations promulgated pursuant to said act; and

The Commission having, upon the request of applicants, extended the time for consummating the transactions proposed by said plan to and including December 15, 1946; and

Applicants having advised the Commission that, although most of the securities referred to in said plan have been transferred and that Dean & Co., Drake & Co., and Holland & Co. have been dissolved, the parties have been unable to consummate all of the transactions proposed by said plan, and having requested that the time for such consummation be extended to and including March 15, 1947; and

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that such extension of time be granted:

It is ordered, That the time for consummating such transactions be, and

hereby is, extended to and including March 15, 1947.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 46-21740; Filed, Dec. 19, 1946;
8:49 a. m.]

[File Nos. 54-75, 70-726]

COMMONWEALTH AND SOUTHERN CORP.
(DEL.)

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 16th day of December A. D. 1946.

The Commonwealth & Southern Corporation ("Commonwealth"), a registered holding company, having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly section 12 (c) thereof and Rule U-46 thereunder, regarding the proposed payment of a dividend of \$3.00 per share (payable on the 28th day after approval by this Commission to stockholders of record at the close of business on the 14th day after such approval) or an aggregate of \$4,417,800 on the shares of its preferred stock outstanding on October 31, 1946; and

The Commission having heretofore instituted proceedings under sections 11 (b) (1) and 11 (b) (2) of the act with respect to Commonwealth and its subsidiaries;

Commonwealth having filed a plan for compliance with such sections of the act providing, among other things, for the liquidation of Commonwealth;

Commonwealth having stated in the instant declaration that:

The Board * * * recognizes that, in view of the pending proceedings, the "Earned Surplus" account may be so qualified that, under the rules and practice of the Commission, payment of said dividend is subject to the requirement of Commission authorization under the provisions of section 12 (c) of the act and Rule U-46 in spite of the fact that, as authorized by section 34 of the Delaware General Corporation Law, the source of payment of such dividend under such law is Commonwealth's net profits for the current and preceding fiscal years.

The instant declaration having been filed on November 26, 1946 and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in the said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission deeming that it would not be necessary or appropriate to deny effectiveness to the declaration under the standards of section 12 (c) of the act and Rule U-46 if it should be found that the proposed payment were to be made out of capital and that, therefore, it is unnecessary for the Commis-

sion to determine whether said proposed payment is being made out of capital; and

The Commission therefore deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration to become effective insofar as section 12 (c) and Rule U-46 are applicable to the proposed payment; and

Commonwealth having requested that the Commission's order be issued herein on or before December 16, 1946, and become effective forthwith so that Commonwealth may pay the proposed dividend not later than January 13, 1947, and the Commission deeming it appropriate to grant such request;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration be, and the same hereby is, permitted to become effective forthwith: *Provided, however*, That this order shall not be construed as a determination that such dividend payment is or is not taxable to the recipient pursuant to the provisions of the Internal Revenue Code: *And provided further*, That Commonwealth accompany the dividend checks with a statement to the effect (1) that Commonwealth filed the declaration regarding the proposed dividend payment pursuant to section 12(c) and Rule U-46 by reason of its uncertainty as to whether the "Earned Surplus" account may be so qualified that, under the rules and practice of the Commission, payment of the proposed dividend is subject to the requirement of Commission authorization under the act and the rules thereunder and that the Commission permitted the declaration to become effective without determining

whether the proposed payment is being made out of capital and (2) that the Commission's action in permitting the declaration to become effective should not be construed as a determination that such dividend payment is or is not taxable to the recipient pursuant to the provisions of the Internal Revenue Code.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 46-21741; Filed, Dec. 19, 1946;
8:49 a. m.]

[File No. 70-1407]

WISCONSIN POWER AND LIGHT CO. AND
NORTH WEST UTILITIES CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 13th day of December A. D. 1946.

Notice is hereby given that a joint application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by North West Utilities Company ("North West") and its public utility subsidiary, Wisconsin Power and Light Company ("Wisconsin"). North West is a registered holding company and a subsidiary of The Middle West Corporation, also a registered holding company. The applicants designate sections 6 (b) and 9 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than December 23, 1946, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating

the reasons for such request, the nature of his interest and the issues of fact or law raised by said joint application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after December 23, 1946, said joint application, as filed or amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said joint application which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Wisconsin proposes to issue and sell to North West, and North West proposes to acquire, 100,000 shares of common stock of the par value of \$10 per share for a cash consideration of \$1,000,000. Expenses estimated at \$2,100 will be paid by Wisconsin. Wisconsin proposes to use the net proceeds for the payment in part of the cost of additions and betterments to its utility facilities.

Applicants state that the proposed issue and sale of common stock is subject to the approval of the Public Service Commission of the State of Wisconsin.

The joint application requests that the Commission's order granting said application become effective upon issuance.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 46-21739; Filed, Dec. 19, 1946;
8:48 a. m.]